

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the matter of	)	
	)	
Request for Extension of Time to	)	
Construct Digital Facilities	)	File No. BEPCDT-20020301ADG
KPLC-DT, Lake Charles, Louisiana	)	ID No. 13994
	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: September 10, 2002**

**Released: September 16, 2002**

By the Chief, Media Bureau:

1. The Media Bureau (the "Bureau") has before it a petition filed by LibCo, Inc. ("LibCo") seeking reconsideration of the Bureau's June 3, 2002, letter denying its request for an extension of time to construct the digital facilities for KPLC-DT and admonishing LibCo for failing to meet the May 1, 2002, construction deadline for DTV facilities. For the reasons stated below, we deny the petition.

2. In its petition, LibCo argues that the Bureau erred in concluding that LibCo's showing contained no reasonable plan or projected date by which any DTV facility might be constructed or placed in operation. LibCo contends that it had specific objectives and plans to implement its DTV conversion, which it claims to have outlined and supported in its request for extension. Review of its petition and extension request casts doubt on the cogency of those plans. LibCo admits that it has known since 1998 that its current tower could not accommodate both its analog and digital antennae. LibCo states that it entered into a contract in June 2002 with Tower Technology, Inc., the builder of its existing tower, to determine whether "new antenna designs unavailable in the late 1990's" could be used on a reinforced tower. LibCo goes on to state that Tower Technology reported back on June 22, 2002, that the existing tower could be utilized with a combination antenna/transmission line design and a decrease in the height of the tower. As a result, LibCo projects that it will be transmitting a digital signal no later than February 15, 2003. LibCo, however, had not awarded a contract for the needed tower modifications as of the date of its petition, undermining the credibility of its projected operational date. Although LibCo does include a "Construction Report and Action Plan" in its petition, elsewhere in its petition it refers to its timeline as a "best guess." Requests for extensions of time to construct a facility cannot be grounded in guesswork, but must be supported by reasonable projections which rely on known facts. Based on the representations in LibCo's petition and its extension request, therefore, the Bureau's original conclusions were justified.

3. ACCORDINGLY, IT IS ORDERED, THAT the petition filed by LibCo, Inc. seeking reconsideration of the Bureau's June 3, 2002, letter denying its request for an extension of time to construct the digital facilities for KPLC-DT and admonishing LibCo for failing to meet the May 1, 2002, construction deadline for DTV facilities IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

W. Kenneth Ferree  
Chief, Media Bureau